

ESTTA Tracking number: **ESTTA33013**

Filing date: **05/13/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<b>Proceeding</b>	91158447
<b>Party</b>	Defendant Gapardis, Inc. Gapardis, Inc. 7494 NW 54th Street Miami, FL 33166
<b>Correspondence Address</b>	Scott R. Austin Arnstein & Lehr Suite 600 515 N. Flagler Drive West Palm Beach, FL 33401-4323
<b>Submission</b>	Stipulated/Consent Motion to Extend
<b>Filer's Name</b>	Scott R. Austin
<b>Filer's e-mail</b>	sraustin@arnstein.com
<b>Signature</b>	/sra/
<b>Date</b>	05/13/2005
<b>Attachments</b>	GapardisMoextimeMay2005.pdf ( 3 pages )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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GAPARDIS HEALTH & BEAUTY, INC.	:
	:
Opposer,	:
	:
v.	:
	:
GAPARDIS, INC.	:
	:
Applicant.	:
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**MOTION ON CONSENT FOR EXTENSION  
OF DISCOVERY AND TESTIMONY PERIODS**

Applicant, Gapardis, Inc. (hereinafter referred to as "Applicant" or "Gapardis")  
by and through its attorneys, Arnstein & Lehr LLP, with the consent of Gapardis Health &  
Beauty, Inc. (hereinafter referred to as "Opposer"), hereby moves for a sixty day extension of  
the Discovery and Testimony Periods as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	July 26, 2005
Testimony Period for party in position of plaintiff to close (opening thirty days prior thereto):	October 22, 2005
Testimony Period for party in position of defendant to close (opening thirty days prior thereto):	December 22, 2005
Rebuttal Testimony Period to close (opening fifteen days prior thereto):	February 5, 2006

Additional time is needed for the Discovery and Testimony Periods because further time is necessary to complete discovery.

Counsel for Opposer, David M. Rogero consented to the extensions requested herein during a telephone conference with counsel for Applicant, Scott R. Austin, on May 11, 2005.

In light of the foregoing, Applicant respectfully requests that the Board grant Applicant's Motion and extend the Discovery and Testimony Periods to the respective dates set forth above.

Dated: May 13, 2005  
Boca Raton, Florida

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on the PTOnet May 13, 2005]

Respectfully submitted,

/SRA/ (L.S.)  
Scott R. Austin, Esq.  
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2424 North Federal Highway, Ste. 462  
Boca Raton, Florida 33431  
Tel: (561) 322-6920  
Attorneys for Applicant

**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing **APPLICANT'S MOTION ON  
CONSENT FOR EXTENSION OF DISCOVERY AND TESTIMONY PERIODS** was  
served upon counsel for Opposer this 13th day of May, 2005 by First Class Mail, postage  
prepaid, as follows:

**David M. Rogero, Esq.**  
2600 Douglas Road  
Suite 600  
Coral Gables, Florida 33134

/SRA/ \_\_\_\_\_ (L.S.)  
Scott R. Austin